

AMENDED IN SENATE APRIL 25, 2005

**SENATE BILL**

**No. 427**

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**Introduced by Senator Hollingsworth**

February 17, 2005

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An act to add Section 21080.20 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 427, as amended, Hollingsworth. California Environmental Quality Act: exemption: CAL-TRANS: right-of-ways.

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(1) *The existing California Environmental Quality Act requires a lead agency to prepare an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, unless the project is exempt from the act.*

This bill would exempt from those CEQA requirements the ~~construction of any~~ *expansion of an existing overpass, onramp, or offramp that is built on an existing State Department of Transportation (CAL-TRANS) right-of-way, an easement or right-of-way under the control of a state or local transportation agency, or a city, county, or city and county. By imposing new duties on local governments with respect to determining whether that exemption is applicable to specified highway expansion projects, the bill would impose a state-mandated local program.*

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21080.20 is added to the Public
- 2 Resources Code, to read:
- 3 21080.20. This division does not apply to the ~~construction of~~
- 4 ~~any overpass, onramp, or offramp that is built on an existing~~
- 5 ~~State Department of Transportation (CALTRANS) right-of-way.~~
- 6 *expansion of an existing overpass, onramp, or offramp that is*
- 7 *built on an easement or right-of-way under the control of a state*
- 8 *or local transportation agency, or a city, county, or city and*
- 9 *county.*
- 10 SEC. 2. *No reimbursement is required by this act pursuant to*
- 11 *Section 6 of Article XIII B of the California Constitution because*
- 12 *a local agency or school district has the authority to levy service*
- 13 *charges, fees, or assessments sufficient to pay for the program or*
- 14 *level of service mandated by this act, within the meaning of*
- 15 *Section 17556 of the Government Code.*